

### **REMARKS**

This amendment is submitted in response to the Examiner's Action dated June 25, 2007. Applicants have amended the claims to clarify key features of the invention. No new matter has been added, and the amendments place the claims in better condition for allowance. Applicants respectfully request entry of the amendments to the claims. The discussion/arguments provided below reference the claims in their amended form.

Applicants are not conceding in this application that the independent claims and their dependent claims, as originally presented, are not patentable over the art cited by the Examiner. The present claim amendments are only for facilitating expeditious prosecution of the application. Applicants respectfully reserve the right to pursue these original claims and other claims in one or more continuations and/or divisional patent applications.

### **ALLOWABLE SUBJECT MATTER**

At paragraph 21 of the present Office Action, the Examiner states that Claims 14, 17-18 and 22-24 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Further, at paragraph 22 of the present Office Action, the Examiner states that Claims 4-5 and 9-10 are rejected under double patenting, but, upon filing of the terminal disclaimer, would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for the favorable disposition of these claims.

With respect to the latter claim, Applicants submit herewith a terminal disclaimer in compliance with 37 CFR 1.321(c). This filing overcomes the double patenting rejection and thus removes the first condition placed on the allowability of these claims. Having carefully reviewed the rejections, and specifically the references utilized to support the rejections of Applicants' independent claims, Applicants provide arguments below, which serve to point out the deficiencies found in the references. These arguments further support removal on the conditions placed on the above identified claims and an extension of the allowance to cover all pending claims. Applicants, therefore, respectfully request Examiner extend the allowance to include all pending claims.

## **DOUBLE PATENTING**

At paragraph 1 of the present Office Action, Claims 1-10 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 of U.S. Patent No 7,072,691. Applicants submit herewith a terminal disclaimer in compliance with 37 CFR 1.321(c). This filing overcomes the double patenting rejection and places the claims in condition for allowance.

## **CLAIMS REJECTIONS UNDER 35 U.S.C. § 102**

At paragraph 3 of the present Office Action, Claims 1, 3, 7-8, 19-21 and 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Quinn, et al.* (U.S. Patent Publication No. 2002/0137472). *Quinn* does not anticipate Applicants' claimed invention because *Quinn* does not teach each and every feature recited by Applicants' claims. For example, *Quinn* fails to teach the following features recited by Applicants' exemplary claim 1:

- (a) during boot up of the device, **completing an authentication process** utilizing a table within a BIOS of the device of **paired radio-antenna IDs** for authorized radio-antenna combinations, wherein the authentication process **verifies that said radio is an authorized radio for utilization with the antenna within the device under U-NII standards**;
- (b) when ... authorized, completing a boot of said device and enabling U-NII communication ... a U-NII transmitter **meeting an "integral" requirement** ...; and/or
- (c) wherein, when the authentication process **fails to verify** that the radio is authorize, completing the boot, and **preventing the use of the radio with the antenna**, such that a breach of the integral requirement is not enabled.

(Claim 1; emphasis added).

*Quinn* generally provides “a mobile computing system that communicates in various wireless communication technologies” with multiple transceivers that are selected by a switching system that “interfaces to an antenna or multiple antennas that are able to receive and transmit and support the multiple transceivers” (page 2, para 0020-0021). With *Quinn*, the “selection of the right transceiver may be implemented by detecting power that is transmitted” (para 0022),

and the “selector ... chooses the correct transceiver depending on the wireless application or technology that is required or chosen” (para 0034).

Examiner incorrectly states that para 0023 of *Quinn* teaches Applicants’ authentication process/step. However, that paragraph merely describes “a state information table in which the transceivers send information upon system startup ... to determine the transceiver in control, and enable the appropriate transceiver radio/antenna logic.” This paragraph does not provide for actual authentication of the radio to determine if the radio may even be utilized within the device. Notably, also, *Quinn* does not teach, contemplate, or suggest features related to preventing the use of the radio with the antenna when the authentication fails. As introduced above, *Quinn*’s system assumes that the radio antenna combinations are all valid/operational and selected based on the required power or type of transmission. It thus appears that Examiner has mischaracterized the reference, and relied on this mischaracterization to support the current rejections.

Examiner has made several other mischaracterizations with regards to *Quinn* when rejecting other features recited by Applicants’ dependent claims. For example, Examiner incorrectly states that (a) a radio ID is inherent and that (b) initiating a BIOS check that includes retrieving the radio ID and performing a comparison of the radio/antenna ID pairing to a table of radio-antenna ID pairings during actual boot up is taught by *Quinn* (referencing Claim 3). However, the cited paragraphs, 0023, 0034 through 0042 are devoid of any teaching or suggestion of radio-antenna ID pairings and use thereof to determine whether the radio can be enabled within the device. Those sections are also devoid of any teaching or suggestion of terminating a boot process when the radio-antenna ID pairing does not match one within the BIOS table (referencing Claim 7). Similarly, para 0023 and 0034 fail to teach or suggest disabling the radio from the operating within the device and booting the device without U-NII transmission capability.

The standard for a §102 rejection requires that the reference teach each and every element recited in the claims set forth within the invention. As clearly outlined above, *Quinn* fails to meet this standard, and therefore, *Quinn* does not anticipate Applicants’ invention.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 103**

At paragraph 13 of the present Office Action, Claims 2, 6, 11-13 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Quinn* in view of *Kobayashi et al.* (U.S. Patent No. 6,845,450). First, these claims all dependent on independent claims, which Applicants have shown to be allowable over the primary reference. By nature of their dependence on allowable claims, the present claims are therefore also allowable. Second, there is no motivation to combine the features of these two references. Even considering Applicants' claimed invention, one skilled in the art would not have been motivated at the time of the invention to make the combination of references proffered by Examiner. Further, the combination still fails to suggest the subject matter of Applicants' claimed invention.

### **CONCLUSION**

Applicants have diligently responded to the Office Action by amending the claims to clarify features therein and by filing herewith a terminal disclaimer to overcome the provisional double patenting rejection. Applicants have also provided arguments which show why Applicants claims are allowable over the primary reference and combination of references. The amendments and filing of the terminal disclaimer place the claims in condition for allowance, and Applicants, therefore, respectfully request a Notice of Allowance for all claims now pending.

Applicants further respectfully request the Examiner contact the undersigned attorney of record at 512.343.6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,

**/Eustace P. Isidore/**

---

Eustace P. Isidore  
*Reg. No. 56,104*  
Dillon & Yudell LLP  
8911 North Capital of Texas Highway  
Suite 2110  
Austin, Texas 78759  
512.343.6116

ATTORNEY FOR APPLICANT(S)